

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY CALDWELL, JR.,

Defendant.

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Case No. 1:13-cr-128

Judge Mattice

Magistrate Judge Lee

ORDER

On July 17, 2014, United States Magistrate Judge Susan K. Lee filed her Report and Recommendation (Doc. 165) pursuant to 28 U.S.C. § 636(b)(1). In her Report and Recommendation, Magistrate Judge Lee recommended that Defendant's Motion to Suppress Wiretap Evidence (Doc. 123) be denied. On July 31, 2014, Defendant filed timely objections to the Report and Recommendation. (Doc. 172). On August 26, 2014, a Superseding Indictment was filed in this case. (Doc. 188). On October 21, 2014, Defendant filed a Motion to Reaffirm and Adopt Previously-Filed Motions. (Doc. 217). Defendant's Motion to Reaffirm and Adopt Previously-Filed Motions (Doc. 217) is hereby **GRANTED** and the Court will proceed to consider Defendant's objections.

In his objections, Defendant objects to Magistrate Judge Lee's Report and Recommendation based on two issues that were initially raised in his Motion to Suppress Wiretap Evidence. (*Id.* at 1). First, Defendant asserts that there was insufficient information in the affidavit to establish that an investigation would likely produce evidence of the targeted crime. (*Id.*). Second, Defendant asserts that the

affidavit in support of the application and order was “impermissibly conclusory.” (*Id.*).¹ Magistrate Judge Lee reviewed the affidavit and found Defendant’s arguments to be without merit. *See* Doc. 165 at 5, 11.

The Court’s *de novo* review results in the same conclusion reached by Magistrate Judge Lee and further discussion of these issues is not warranted, given the thorough and well-reasoned conclusions set forth in the Report and Recommendation. Defendant’s objections to Magistrate Judge Lee’s Report and Recommendation will thus be **OVERRULED**.

Accordingly, Magistrate Judge Lee’s Report and Recommendation (Doc. 165) is hereby **ACCEPTED** and **ADOPTED**, Defendant’s Objections (Doc. 172) are **OVERRULED**, and Defendant’s Motion to Suppress Wiretap Evidence (Doc. 123) is **DENIED**.

SO ORDERED this 13th day of November, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE

¹ Although Defendant had raised a third ground for suppression in his Motion, he conceded in his objections that he could not “overcome” Magistrate Judge Lee’s Report and Recommendation regarding that issue. (Doc. 172 at 1).